

# EXHIBIT 7

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CHASOM BROWN, WILLIAM BYATT, ) Case No.  
JEREMY DAVIS, CHRISTOPHER ) 5:20-cv-03664-LHK-  
CASTILLO, and MONIQUE TRUJILLO ) SVK  
individually and on behalf of )  
all other similarly situated, )  
)  
Plaintiffs, )  
)  
vs. )  
)  
GOOGLE LLC, )  
)  
Defendant. )  
\_\_\_\_\_ )

VIRTUAL VIDEOCONFERENCE VIDEO-RECORDED  
DEPOSITION OF MONIQUE TRUJILLO

Friday, February 11, 2022  
Remotely Testifying from Los Angeles, California

Reported By:  
Hanna Kim, CLR, CSR No. 13083  
Job No. 5077549

1 Q. And these -- and -- and these different  
2 types of information appears under a disclaimer  
3 that reads "Collecting Information About You,"  
4 "Categories and Types of Personal Information We  
5 Collect."

10:44:41

6 Do you see that?

7 A. Yes.

8 Q. Are you comfortable with Williams-Sonoma  
9 collecting these different types of data on when  
10 you visit its website?

10:44:50

11 A. Well, if I'm in regular mode, then I am  
12 aware that information is being collected. If I'm  
13 in incognito mode, I am not okay that information  
14 is being collected without my consent.

15 Q. Now, looking at the section entitled  
16 "Collecting Information About You," does it say  
17 anything in here about whether you're visiting the  
18 website and in incognito mode or not?

10:45:17

19 A. It does not.

20 Q. And so this section does not distinguish  
21 between data collected when you're browsing in  
22 incognito versus a non-incognito mode; is that  
23 right?

10:45:46

24 A. It doesn't say that here, but it would  
25 have been my choice to search in incognito mode or

10:46:07

1 in regular mode.

2 Q. That's right. But I'm asking about the  
3 Williams-Sonoma privacy policy and the information  
4 that it tells you in here that it collects when  
5 you visit its website. 10:46:22

6 So I just want to be clear that nothing in  
7 Williams-Sonoma's disclosure here says that the  
8 type of data they collect depends on whether  
9 you're searching in private mode or not; is that  
10 right? 10:46:43

11 A. That's right. But what I'm concerned with  
12 is -- I understand that Williams-Sonoma is  
13 disclaiming here -- or giving a disclosure here  
14 that they will collect all this information.  
15 That's fine. 10:47:04

16 But if I'm in incognito mode, I do not  
17 want third parties or Google collecting  
18 information without my consent.

19 Q. How would Williams-Sonoma know if you're  
20 in incognito mode or private -- sorry, in a 10:47:20  
21 private mode or not when you're visiting its  
22 website?

23 A. It doesn't matter if Williams-Sonoma  
24 knows. It would be Google's responsibility to  
25 know that I'm in incognito mode and not collect my 10:47:42

1 information.

2 Q. Right. We're going to get to Google in  
3 one second, but if we could just stick with  
4 Williams-Sonoma. I want to just make sure I get a  
5 clear answer to the question. 10:47:57

6 How would Williams-Sonoma, in your view,  
7 know that you are visiting its website in  
8 incognito mode versus a regular browsing mode?

9 MS. BAEZA: Objection. Form. Asked and  
10 answered. 10:48:12

11 BY MS. CRAWFORD:

12 Q. You can answer.

13 A. I don't know how Williams-Sonoma would  
14 know if I'm in incognito mode or in regular mode.

15 Q. Okay. Now, we talked about this section 10:48:26  
16 here which talks about the information that  
17 Williams-Sonoma collects about you.

18 I'm going to ask that you turn to the  
19 fifth page of this document, which talks about  
20 information -- actually, the fourth page of this 10:48:42  
21 document, which talks about information that  
22 Williams-Sonoma shares with third parties.

23 If you go to the bottom of page 3,  
24 actually, which is where the heading "Third  
25 Parties" appears, can you let me know once you've 10:49:06

Page 58

1 scrolled to the third page of this document?

2 A. Hold on. It's a little blurry.

3 MS. BAEZA: I'm sorry. Jomaire, you said  
4 the third page that says "Third Parties"?

5 MS. CRAWFORD: Yep, at the very bottom it 10:49:25  
6 says "When We Share Information with Third  
7 Parties."

8 MS. BAEZA: Okay. Thank you.

9 MS. CRAWFORD: You're welcome.

10 BY MS. CRAWFORD: 10:49:39

11 Q. And, Ms. Trujillo, just let us all know  
12 when you're here.

13 A. Okay. Is it in -- is it emboldened?

14 Because I do not see -- 1, 2 --

15 Q. Yes, ma'am. 10:49:48

16 A. -- 3. I see. Okay. I see.

17 Q. Okay. So you're at the section that's  
18 titled "When We Share Information with Third  
19 Parties." And underneath it it lists "Service  
20 Providers." 10:50:05

21 It says, "We may contract with companies  
22 or persons to provide certain services including  
23 credit card processing, shipping, data analysis  
24 and management, promotional services, et cetera.  
25 We call them our Service Providers. We provide 10:50:18

1 our Service Pro-" -- "Providers with the  
2 information needed for them to perform these  
3 services. We ask that our Service Providers  
4 confirm that their privacy practices are  
5 consistent with ours." [As read]

10:50:53

6 Do you see that?

7 A. I do.

8 Q. Now, if you turn to page 5, you'll see,  
9 three paragraphs in, a section that begins with  
10 "We use."

10:51:02

11 Let me know once you're there.

12 A. I see it.

13 Q. And this paragraph, do you mind reading  
14 this one aloud into the record?

15 A. "We use Google Analytics on our web sites  
16 to collect usage data, to analyze how users use  
17 the web sites and to provide advertisements to you  
18 on other websites. For more information about how  
19 to opt out of having your information used by  
20 Google Analytics, visit..." [As read]

10:51:06

10:51:24

21 Q. And then there's a URL, mm-hmm.

22 A. Right.

23 Q. What do you understand this paragraph to  
24 mean, Ms. Trujillo?

25 A. That when I'm on the Williams-Sonoma

10:51:37

1 website in regular mode, Google Analytics has  
2 access to my information.

3 Q. But this paragraph here doesn't contain  
4 the words "regular mode," does it?

5 A. It does not contain the words -- the 10:52:02  
6 word [verbatim] "regular mode," but in the Google  
7 policy -- it does say "Google Analytics" on there.  
8 And in the Google policy, it says that if I choose  
9 to set -- to search in incognito mode, I can  
10 control what is collected. 10:52:31

11 Q. Are you reviewing from a document that you  
12 have in front of you?

13 A. I am.

14 Q. Okay. I would ask that while we're --  
15 while we're looking at a particular document, 10:52:43  
16 namely Exhibit Number 1, that you set aside the  
17 other documents that you have in front of you.

18 I'll let you know if there's a point where  
19 it would be helpful for you to look at one of the  
20 documents that you have. But I ask that our -- 10:52:57  
21 the questions I'm asking are limited to the  
22 document and exhibit that we're focused on right  
23 now.

24 And I'll let you know, again, if I need  
25 you to reference any of the other materials in 10:53:07

1 front of you.

2 Do you mind doing that for me?

3 A. I do not mind.

4 Q. Okay. So then in -- in this paragraph

5 here that begins with "We use Google Analytics on 10:53:17

6 our web sites," I just want to confirm that

7 nowhere in that paragraph does it reference

8 "regular mode."

9 Would you agree with that?

10 A. Well, I can't agree with it because even 10:53:36

11 if I don't reference any documents or other

12 policies, I know that in regular mode I am

13 consenting to Google Analytics collecting my

14 information.

15 Q. But, Ms. Trujillo -- oh, sorry. Go ahead 10:53:52

16 if you're still answering the question.

17 Okay.

18 A. If I'm --

19 MS. BAEZA: Go -- go ahead, Ms. Trujillo.

20 You can finish. 10:54:10

21 THE WITNESS: Without referencing any

22 documents or policies, I know that if I'm in

23 cogni- -- incognito mode, Google has promised not

24 to collect my information.

25 BY MS. CRAWFORD: 10:54:29

1 Q. Right. But, again, I -- I mentioned a  
2 moment ago we're going to talk about Google and  
3 Google's privacy policy and Google's disclosures  
4 and the information that you consider to be  
5 relevant in those documents. 10:54:40

6 But before we get there, I'm just asking  
7 about the Williams-Sonoma policy that's in front  
8 of you.

9 Can I get a straight answer, yes or no, to  
10 the -- two questions, whether or not this portion 10:54:51  
11 of Williams-Sonoma's policy mentions "incognito  
12 mode" or -- or pri- -- or "non-private browsing  
13 mode" specifically? Yes or no?

14 MS. BAEZA: Objection. Form. Asked and  
15 answered. 10:55:06

16 The -- Ms. -- Ms. Crawford, Ms. Trujillo  
17 is trying to give answers to the best of her  
18 ability. I think it's improper to ask her to  
19 answer just a yes-or-no question.

20 MS. CRAWFORD: Well, the witness can say 10:55:23  
21 if -- if she's incapable of -- of answering yes or  
22 no as to whether or not certain words appear in the  
23 context of language she's just read. And if the  
24 witness is unable to do so, she can let us know  
25 that. 10:55:35

1 BY MS. CRAWFORD:

2 Q. But, Ms. Trujillo, I do ask that you  
3 answer this narrow question, it's very simple,  
4 whether or not "private browsing mode" is  
5 mentioned anywhere in the paragraph that you just 10:55:44  
6 read aloud; yes or no?

7 A. Well, in this specific paragraph, it is  
8 telling me, "We use Google Analytics on our web  
9 site to collect usage data" [as read].

10 I know if I'm in regular mode or if I'm 10:56:05  
11 [verbatim] incognito mode, so it doesn't matter if  
12 Williams-Sonoma is mentioning to me "regular mode"  
13 or "incognito mode."

14 Q. But Williams-Sonoma didn't say here, "We  
15 only share your information with Google when 10:56:20  
16 you're in regular mode." It doesn't say that  
17 here, does it?

18 A. I mean, it's not Williams-Sonoma's  
19 responsibility. It's Google's responsibility to  
20 stand by their privacy policy where it says if I'm 10:56:40  
21 in incognito mode, they will not collect my  
22 information without my consent.

23 Q. Are you aware of the data flow at issue in  
24 this case and how Google gets the data that you're  
25 suing Google for? 10:56:59

1 MS. BAEZA: Objection. Form. Vague as to  
2 "data form" [sic].

3 BY MS. CRAWFORD:

4 Q. You can answer.

5 MS. BAEZA: "Data flow." My apologies. 10:57:09

6 THE WITNESS: No, I'm not.

7 BY MS. CRAWFORD:

8 Q. Okay. So then in the lawsuit that's been  
9 filed in this case, the basic allegation is that  
10 when you visit a website like Williams-Sonoma 10:57:23  
11 using incognito mode, you were led to believe that  
12 Williams-Sonoma would not share or Google would  
13 not receive information from your private browsing  
14 session.

15 When you visit websites like 10:57:46  
16 Williams-Sonoma, this specific disclosure -- let  
17 me know if this is your understanding -- this  
18 specific disclosure says Williams-Sonoma is  
19 sharing your information with Google. That is the  
20 same information that you've alleged Google 10:58:03  
21 improperly collected in the context of your  
22 lawsuit; isn't that right?

23 A. No, that's not right.

24 Q. What kind of information are you alleging  
25 Google has collected on you without your consent, 10:58:18

1 if not from your visits on third-party websites?

2 A. Google -- I wasn't led to believe. It is  
3 clearly in Google's privacy policy that if I'm in  
4 incognito mode, my information will not be  
5 collected by Google. 10:58:43

6 Q. And that's what you believe the privacy  
7 policy says specifically?

8 MS. BAEZA: Objection. Form. Asked and  
9 answered.

10 THE WITNESS: Yes, that's what the privacy 10:59:05  
11 policy says specifically.

12 BY MS. CRAWFORD:

13 Q. Okay. So we're going to pull up the  
14 privacy policy. And I'm going to ask, when I do  
15 that, that you point me to exactly where it says 10:59:14  
16 that within the text of the disclosure.

17 But before we get there, I want to ask a  
18 couple questions about the type of personal  
19 information that you are suing Google for having  
20 received. 10:59:32

21 Are you aware of the Complaint that was  
22 filed in this case?

23 A. Yes.

24 Q. Okay. And I'm reading from the Complaint,  
25 quote, "This lawsuit concerns Google's 10:59:43

1 Q. Okay. And when you're in regular mode,  
2 why would you reject cookie permissions?

3 A. Because I don't want to receive a bunch of  
4 junk mail.

5 Q. Is it your understanding that cookies 11:58:39  
6 facilitate junk mail?

7 A. Yes, and from my understanding, they also  
8 can compromise the computer or phone's power or, I  
9 guess, memory or how it will -- cookies can  
10 compromise how well the device operates. 11:59:20

11 Q. What is your understanding of what the  
12 cookie does in the context of web -- web browsing  
13 specifically?

14 A. From my understanding, it is -- from my --  
15 from what I understand is that it can possibly 12:00:16  
16 compromise the device I'm on.

17 Q. Okay. And it seems like you suggested  
18 that you reject cookie permissions.

19 Do you have an estimate that you can give  
20 me as to how often you do that? Do -- would you 12:00:38  
21 say that you, as, you know, a matter of course,  
22 try to do that every time you're browsing a  
23 website, sometimes when you're browsing a website,  
24 or barely ever when browsing a website?

25 A. All the time, I try to reject cookies. 12:00:55

1 not used incognito mode because I did not know  
2 about incognito mode.

3 Q. Okay. And when you first started using  
4 incognito mode in 2016, did you trust the browser  
5 with your personal data? 12:33:20

6 A. Yes.

7 Q. Why is that?

8 A. Because the privacy policy said that I was  
9 in control and that when I was in incognito mode  
10 that my information would not be collected. 12:33:41

11 Q. Okay. And -- and, again, we're going to  
12 get to the privacy policy and incognito -- the  
13 incognito screen in a minute. And I'm going to  
14 ask that when we talk through that disclosure, you  
15 show me where in there it contains that specific 12:33:59  
16 representation.

17 But until then, let me ask just a couple  
18 more questions about your browsing history.

19 You mentioned using Safari and Chrome.  
20 Are you aware of any other browsers you've used 12:34:19  
21 within the past decade? Would Internet Explorer,  
22 for example, be a browser you might have used?

23 A. Internet Explorer, yes.

24 Q. Was that the one you were using back in  
25 2008? 12:34:42

1 Q. And you would like to remain private to  
2 the websites you visit; yes?

3 A. Yes. If I'm in incognito mode, yes, I  
4 want to remain private.

5 Q. Okay. Now before you were contacted by 02:11:40  
6 counsel -- or before you contacted counsel to  
7 participate in this case, did you have an  
8 understanding of what incognito mode does?

9 MS. BAEZA: Objection. Form. Vague.  
10 Compound. 02:11:57

11 THE WITNESS: My understanding of  
12 incognito mode was that I would -- my information  
13 wouldn't be shared. I would be private.

14 BY MS. CRAWFORD:

15 Q. And where did you learn that? 02:12:25

16 A. In the privacy policy.

17 Q. Any other documents or disclosures?

18 A. The privacy policy, it clearly states that  
19 I will stay private on the splash screen.

20 Q. Can you take a look at what's been marked 02:13:15  
21 Exhibit 4. That should be a copy of the splash  
22 screen.

23 Can you let me know when you have that in  
24 front of you?

25 A. Yes, one moment. 02:13:30

1 Okay. I have it in front of me.

2 Q. Can you read through this and let me know  
3 once you've done so. I just want to make sure  
4 this is fresh in your mind before I start asking  
5 questions about it. 02:14:00

6 A. (Witness reviews.)

7 Okay. I've read it.

8 Q. All right.

9 Do you see the words "browse privately" on  
10 the first full line -- 02:14:21

11 A. Yes.

12 Q. -- of this incognito screen?

13 A. Yes.

14 Q. What do you understand "browse privately"  
15 to mean in the context of this disclosure? 02:14:33

16 A. That wherever I go, whatever site that I  
17 go onto, my information will not be shared or  
18 collected.

19 Q. And what type of information, just so  
20 we're clear, won't be collected? 02:15:09

21 A. Any personal information.

22 Q. Like what?

23 MS. BAEZA: Objection. Form. Asked and  
24 answered, tenth time.

25 BY MS. CRAWFORD: 02:15:19

1 Q. Ms. Trujillo, you testified that your  
2 understanding of incognito mode was that your  
3 information would not be shared.

4 Do you remember that testimony?

5 A. I do remember that, but I did not refer to 02:16:49  
6 the splash screen.

7 Q. And can you tell me why you didn't refer  
8 to the splash screen?

9 A. Why I did not refer to the splash screen?

10 Q. Yes. 02:17:07

11 Does the splash screen state anywhere on  
12 here that your information wouldn't be shared?

13 A. It states it in the privacy policy.

14 Q. So then just to make sure I get a clear  
15 answer to my question, yes or no, does the splash 02:17:36  
16 screen state that your information won't be  
17 shared?

18 MS. BAEZA: Objection. Form. Vague.

19 Shared with who?

20 BY MS. CRAWFORD: 02:17:51

21 Q. You can answer.

22 A. The splash screen says that my activity,  
23 not my information, my activity will be shared or  
24 may be visible to websites, my employer, school,  
25 internet service provider, but the Google privacy 02:18:14

1 policy doesn't say that my activity will be  
2 visible to Google or information in -- collected  
3 and shared. And the privacy policy says across  
4 all services.

5 Q. Ms. Trujillo, we'll get to the privacy 02:18:37  
6 policy in a second. I'm asking a very specific  
7 question about this disclosure here, the incognito  
8 screen, the one that's in front of you.

9 Does the incognito screen say anywhere in  
10 here that your information won't be shared; yes or 02:18:52  
11 no?

12 MS. BAEZA: Objection. Form. Asked and  
13 answered.

14 BY MS. CRAWFORD:

15 Q. Your answer, Ms. Trujillo? 02:19:15

16 A. No, it does not say that it will be -- my  
17 information will be shared and collected.

18 Q. So your information won't be shared?

19 MS. BAEZA: Objection. Form. Asked --  
20 asked and answered. Mischaracterizes prior 02:19:34  
21 testimony. And vague.

22 MS. CRAWFORD: I think the record's clear  
23 on this point.

24 BY MS. CRAWFORD:

25 Q. Ms. Trujillo, do you believe that you 02:19:44

1 BY MS. CRAWFORD:

2 Q. Yes.

3 A. I do -- I'm on the correct exhibit.

4 Q. Okay. Perfect.

5 You see where it says: "When you use our 03:37:56  
6 services, you're trusting us with your  
7 information"?

8 A. Yes, I see that.

9 Q. And then do you see underneath the --  
10 there's an underline maybe about a third of the 03:38:09  
11 way into the page. And then it says: "We build a  
12 range of services that help millions of people  
13 daily."

14 Do you see that there?

15 A. Yes. 03:38:21

16 Q. Okay. And you see under the section that  
17 starts "Our services include"?

18 Do you see the second bullet there?

19 A. The second bullet?

20 Q. Yes. Can you read that bullet for me? 03:38:36

21 A. "Platforms like the Chrome browser and  
22 Android operating system."

23 Q. Okay. So based on that, do -- do you  
24 understand Chrome to be one of the services that  
25 Google offers to consumers? 03:38:51

1 A. Yes.

2 Q. Okay. Now if we could, let's look at  
3 page 3. And specifically, at the bottom, there's  
4 a section called "Information we collect as you  
5 use our services." 03:39:18

6 Do you see that?

7 A. One moment.

8 Yes.

9 Q. And at the top of the next page, it says:  
10 "The information we collect includes." 03:39:28

11 Do you see that?

12 A. Yes.

13 Q. Do you remember reviewing this version of  
14 the privacy policy at any -- at any point  
15 post-2018? 03:39:44

16 A. I don't remember.

17 Q. Okay. Can you read through this paragraph  
18 here, and let me know when you're done.

19 A. (Witness reviews.)

20 I am done. 03:40:28

21 Q. Okay. What do you understand this  
22 paragraph to mean, Ms. Trujillo?

23 A. I understand it to mean that when I am in  
24 regular mode, my information is collected.

25 Q. The types of information that appear here, 03:41:10

1 be a misrepresentation or just a con- -- something  
2 that conflicts with the privacy policy?

3 A. Both.

4 Q. Okay. Now, do you see under the section  
5 that reads "Your activity might still be visible"? 04:41:33

6 A. Yes.

7 Q. Do you see that section?

8 A. Yes.

9 Q. And there's a sent- -- a sentence that  
10 begins with "Incognito mode," says: "Incognito 04:41:41  
11 mode stops Chrome from saving your browsing  
12 activity to your local history."

13 Do you see that?

14 A. Yes.

15 Q. Again, another reference to local history. 04:41:53

16 The next sentence says: "Your activity  
17 might still be visible to," and then the first  
18 bullet reads: "Websites you visit, including the  
19 ads and resources used on those sites."

20 Do you see that bullet? 04:42:14

21 A. Yes.

22 Q. Do you remember the Williams-Sonoma  
23 privacy policy that we discussed in the very  
24 beginning of the deposition?

25 A. Yes. 04:42:24

1 Q. And do you remember when it mentioned that  
2 Google Analytics was one of Williams-Sonoma's  
3 partners?

4 A. Yes.

5 Q. Do you remember the portion of 04:42:35  
6 Williams-Sonoma's privacy policy that says it  
7 shares data with Google Analytics because Goggle  
8 Analytics renders services to the website?

9 Do you remember that?

10 A. I remember that. And that is if it's in 04:42:53  
11 regular mode, not in incognito.

12 Q. But the Williams-Sonoma privacy policy  
13 didn't make that disclaimer, did it?

14 A. No. The Google privacy policy does.

15 Q. Okay. So if this docu- -- this document 04:43:17  
16 that you have in front of you here says that "your  
17 activity may be visible to websites you visit,"  
18 [as read] let's say, Williams-Sonoma, "and the ads  
19 and resources used on those site," let's say  
20 Google Analytics. 04:43:35

21 Is it safe to assume that this section of  
22 this document here is telling you that if you  
23 visit Williams-Sonoma, your activity might still  
24 be visible to ads and resources like Google  
25 Analytics? 04:43:56

1 A. If I'm in regular mode, yes. If I'm in  
2 incognito mode, no.

3 Q. Where here does it say that incognito mode  
4 will prevent that from happening? Because as you  
5 can see -- 04:44:13

6 A. I --

7 Q. -- at the top, the -- I'm sorry. Go  
8 ahead.

9 The -- the top of the page says "How  
10 private browsing works." So the total page is 04:44:19  
11 about incognito.

12 MS. BAEZA: Just a moment, Jomaire. I --  
13 I don't think Ms. Trujillo was done with her answer  
14 before you began speak --

15 MS. CRAWFORD: Oh, she -- she continue. 04:44:32  
16 Sorry. Didn't mean to cut you off, either. There  
17 might be a lag. I am happy to -- to cede the floor  
18 and let witness continue answering the question.

19 MS. BAEZA: Did you have something --

20 BY MS. CRAWFORD: 04:44:34

21 Q. Go ahead, Ms. Trujillo.

22 MS. BAEZA: Did you have something else to  
23 add, Ms. Trujillo?

24 THE WITNESS: It's stated in the privacy  
25 policy. And this is -- this document is not the 04:44:51

1 privacy policy.

2 BY MS. CRAWFORD:

3 Q. But you would agree with me that this

4 document, the title of it is "How private browsing

5 work- -- mode works in Chrome"; correct?

04:45:05

6 A. Do I agree with you that that's what it

7 says?

8 Q. Yes.

9 A. Those are the words.

10 Q. Okay. And do you have any reason to

04:45:19

11 believe that this statement that your activity

12 might still be visible to websites, including the

13 ads and resources used on those websites is untrue

14 or false?

15 A. It's untrue or false if I'm in incognito

04:45:45

16 mode.

17 Q. But this document is describing how

18 private browsing mode works in Chrome. It's

19 describing incognito mode. This is a Google

20 disclosure that you can find on Google's website,

04:46:06

21 so --

22 MS. BAEZA: Is that a question or is that

23 testimony?

24 BY MS. CRAWFORD:

25 Q. Is your -- let --

04:46:11

1 MS. CRAWFORD: I actually wasn't finished,

2 Rosy.

3 BY MS. CRAWFORD:

4 Q. So are you contending, Ms. Trujillo, that

5 this publicly available document is a 04:46:21

6 misrepresentation of how incognito mode works?

7 A. Yes, that is what I'm contending.

8 Q. Okay. You testified earlier today that  
9 you believe you entered a contract with Google; is  
10 that right? 04:46:44

11 A. Yes.

12 Q. Did you give anything of value to Google  
13 in exchange for what you received under the  
14 contract?

15 A. Absolutely. Google is always collecting 04:46:52  
16 my information.

17 Q. And if -- what -- what -- so you've -- in  
18 exchange for the services that you use, you've  
19 agreed to give Google your personal information?

20 Is that what you're saying? 04:47:14

21 A. If I'm in regular mode, then I know that  
22 my data, my information is being collected. My  
23 personal information is valuable to me.

24 So if you're asking what of value have I  
25 given to Google in exchange for their services, 04:47:39

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1 I'm saying my information.

2 Q. Okay. So that's when you're in regular  
3 mode.

4 What information of value have you given  
5 to Google when you're in incognito mode? 04:47:52

6 A. Google -- when I'm in incognito mode,  
7 Google has taken my information without my  
8 consent.

9 Q. So is there no information that you've  
10 given Google in the context of your private 04:48:08  
11 browsing activity through incognito mode?

12 A. Did you say "is there no information"?

13 Q. Correct. Because it sounds like you were  
14 saying Google takes your information.

15 So I'm wondering, is there any information 04:48:28  
16 that you voluntarily share with Google in the  
17 context of your incognito sessions?

18 MS. BAEZA: Objection. Form. Vague.

19 BY MS. CRAWFORD:

20 Q. You can answer, Ms. Trujillo. 04:48:42

21 A. Well, I know when I'm in regular mode, I'm  
22 consenting to Google taking my information.

23 Q. Okay. And -- and the con- -- because  
24 you -- you -- you claim that you have a contract  
25 with Google that governs your usage of incognito 04:48:55

1 mode.

2 And so, I'm asking, what information have  
3 you given to Google in consideration of your  
4 contract for using incognito mode?

5 MS. BAEZA: Objection. Form. Asked and 04:49:11  
6 answered.

7 MS. CRAWFORD: No, I don't think there's  
8 an ans- -- clear answer that's been given.

9 BY MS. CRAWFORD:

10 Q. Ms. Trujillo, can you provide a 04:49:18  
11 response --

12 MS. BAEZA: I -- I think you don't like  
13 her answer.

14 (Simultaneous speaking.)

15 (Interruption in audio/video.)

16 THE WITNESS: The clear answer --

17 (Simultaneous speaking.)

18 (Interruption in audio/video.)

19 MS. BAEZA: -- Ms. Crawford.

20 THE COURT REPORTER: One person at a time,  
21 please. Wait, wait. I didn't hear. There were  
22 two people --

23 MS. BAEZA: I said I --

24 THE COURT REPORTER: -- talking at the  
25 same time.

1 MS. BAEZA: I said, I just don't think you  
2 like her answer, Ms. Crawford.

3 BY MS. CRAWFORD:

4 Q. Ms. Trujillo, please respond.

5 A. The clear answer is that Google has stolen 04:49:41  
6 my information when I'm in incognito mode.

7 Q. Okay. I'll -- I'll accept that. It --  
8 I -- I didn't -- don't understand you to have  
9 identified any information that you voluntarily  
10 gave Google in the context of your use of 04:49:58  
11 incognito mode. If that's incorrect, let -- let  
12 me know.

13 But I think I've heard you to say that  
14 Google has taken information when you're using  
15 incognito without your consent. 04:50:09

16 In that case, my next question I have is,  
17 when you say Google has taken your information  
18 without its [verbatim] consent, do you believe  
19 that Google, when you're in private browsing mode,  
20 is authorized to use your information in any 04:50:26  
21 capacity or none whatsoever?

22 A. They're not -- when I'm in private  
23 browsing or incognito, I -- they do not have my  
24 consent to use my information. I've chosen --

25 Q. So what -- sorry. Go ahead. 04:50:51

1 MS. BAEZA: Go ahead and finish your  
2 statement, Ms. Trujillo.

3 THE WITNESS: If I'm on incognito mode, I  
4 have chosen to be private.

5 BY MS. CRAWFORD: 04:51:13

6 Q. So it sounds as though there's no  
7 information that you voluntarily agreed to give  
8 Google when you are in an incognito session; is  
9 that right?

10 MS. BAEZA: Objection. Form. Asked and 04:51:23  
11 answered.

12 THE WITNESS: Google -- when I'm in  
13 incognito mode, Google does not have my consent to  
14 use my information.

15 BY MS. CRAWFORD: 04:51:39

16 Q. Okay. Do you believe that your -- the  
17 information that you've provided to Google has  
18 monetary value?

19 A. Yes.

20 Q. How so? 04:51:55

21 A. How so does it have monetary value, the  
22 information that Google has either taken with or  
23 without my consent?

24 Data and information is the most valuable.

25 Q. Does it have monetary value? 04:52:24

1 MS. BAEZA: Objection. Form.

2 Mischaracterizes testimony.

3 MR. MAO: Calls for expert...

4 BY MS. CRAWFORD:

5 Q. You can answer. 04:57:54

6 A. When I turn on incognito, I'd expect  
7 Google to stand by their promise in the contract  
8 so when I say I want to be kept private, then no  
9 means no.

10 Q. Okay. Can you tell me all the ways, 04:58:34  
11 sitting here today, that you've been harmed by  
12 Google's conduct in the context of the lawsuit  
13 that you filed against it?

14 A. My personal information has been shared  
15 without my consent, and there are probably -- 04:58:58  
16 because of this, there's -- I'm sure there's a lot  
17 more damage than I can even imagine.

18 Q. And when you say your information was  
19 shared, I just want to be clear. Shared by whom  
20 and to whom? 04:59:17

21 MS. BAEZA: Objection. Form. Calls for  
22 speculation.

23 MS. CRAWFORD: This is the witness's  
24 testimony.

25 BY MS. CRAWFORD: 04:59:31

1 Q. You stated, Ms. Trujillo, "My personal  
2 information has been shared without my consent."

3 So I'm asking: Who shared your  
4 information and to whom was it shared?

5 MS. BAEZA: Objection. Form. 04:59:48  
6 Mischaracterizes testimony.

7 She said -- she said her information was  
8 shared, she didn't indicate ay to whom.

9 BY MS. CRAWFORD:

10 Q. Ms. Trujillo, can you please answer. 04:59:57

11 A. While in incognito mode, Google -- who  
12 shared my information? Google has shared my  
13 information.

14 Q. With whom?

15 MS. BAEZA: Objection. Form. Calls for 05:00:18  
16 speculation.

17 THE WITNESS: My answer is a simple one:  
18 Every company, you would know more than I do. I  
19 don't -- I can't answer -- I can't give you a --  
20 specifically who Google shares my information with. 05:00:50  
21 I'm sure it's anybody they're able to share my  
22 information with.

23 BY MS. CRAWFORD:

24 Q. And that -- okay.

25 So you believe that Google shares your 05:01:05

1 information with anybody they're able to share  
2 your information with.

3 And yet, sitting here today, you continue  
4 to use Chrome incognito mode; is that right?

5 A. That's right. 05:01:21

6 Q. Why is that if you believe your  
7 information is being shared with anybody that  
8 Google is able to share your information with,  
9 quoting directly from your testimony?

10 A. That's because I'm in the middle of a 05:01:36  
11 lawsuit, and I am not going to change my activity,  
12 my online activity at this time.

13 Q. So, in other words, you're going to  
14 continue to allow what you consider to be Google's  
15 improper collection of your data to continue while 05:02:01  
16 you browse the web in incognito mode?

17 MS. BAEZA: Objection. Form. Misstates  
18 prior testimony.

19 BY MS. CRAWFORD:

20 Q. You can answer, Ms. Trujillo. 05:02:13

21 A. I'll continue to use the internet in  
22 incognito mode and regular mode, as I have been  
23 before the lawsuit.

24 Q. I think you testified earlier that you've  
25 seen targeted advertising when you use Chrome. 05:02:38

1 says otherwise?

2 A. Skyscanner's policy can say whatever it  
3 wants. I -- I -- it was Google who shared my  
4 information while I was in incognito mode.

5 Q. Okay. 05:52:51

6 MS. CRAWFORD: Let's mark as our -- our  
7 next exhibit Tab 3, Tracy.

8 (Trujillo Deposition Exhibit 14 was  
9 marked.)

10 BY MS. CRAWFORD: 05:53:08

11 Q. I'm going to show you, Ms. Trujillo, a  
12 copy of your discovery responses in this case.

13 If you refresh the Exhibit Share window  
14 you have open, let me know when this document is  
15 in front of you. 05:53:22

16 A. Exhibit what? I'm sorry, please repeat.

17 Q. It will either be Exhibit 14 or 15, but  
18 perhaps you can refresh and let me know which one  
19 is -- has just been loaded.

20 A. 14 is the most recent. 05:53:55

21 Q. That might be Skyscanner's privacy policy,  
22 in which case you can set that aside and look for  
23 Exhibit 15.

24 MS. GAO: Actually, Exhibit 14 is the  
25 correct one. 05:54:12

1 MS. CRAWFORD: Oh, perfect. Okay.

2 BY MS. CRAWFORD:

3 Q. So if you have Exhibit 14 in front of you,  
4 Ms. Trujillo, can you turn to -- unfortunately,  
5 this document was served without page numbers, but 05:54:20  
6 it's the -- the tenth page of this document.

7 A. Okay. I'm on the tenth page.

8 Q. Do you see where it says "Interrogatory  
9 Number 10"?

10 A. Yes. 05:54:41

11 Q. And "Response to Interrogatory Number 10"?

12 A. Yes.

13 Q. Okay. So do you remember a moment ago  
14 when I was asking you about selling your personal  
15 data and whether you knew anything about that? 05:54:59

16 A. Yes.

17 Q. And I believe you testified that you don't  
18 know much about that practice.

19 Is that -- is that consistent with what  
20 you remember having testified to? 05:55:20

21 MS. BAEZA: Objection. Form. Vague.

22 BY MS. CRAWFORD:

23 Q. Do you remember your testimony on that  
24 topic, Ms. Trujillo?

25 A. Yes, I do. 05:55:27

1 Q. Okay. And you testified that you didn't  
2 know much about selling your personal information,  
3 but that it would be a pretty desperate way of  
4 making money.

5 Do you remember that? 05:55:41

6 A. Yes.

7 Q. In your response to this interrogatory,  
8 you state -- and if you look on the next page it's  
9 the paragraph that begins with "Notwithstanding."

10 Do you see that paragraph there? 05:56:04

11 A. Yes.

12 Q. This says, with specificity, that you've  
13 been aware of the value of your personal data for  
14 years and that you're aware of websites like  
15 Killi, companies like Brave and others, that  
16 provides monetary compensation for personal data.

05:56:28

17 Do you see where it says that?

18 A. Yes.

19 Q. Are you, in fact, aware of websites like  
20 Killi? I don't believe you testified to Killi  
21 when I asked you the question previously.

05:56:46

22 A. I'm aware that there are websites that do  
23 buy personal data. I'm aware that personal data  
24 is very valuable. But I have not ever sold my  
25 personal data.

05:57:15

1 Q. Right.

2 But are you aware of the web- -- the  
3 specific website Killi. Do you know anything  
4 about Killi?

5 MS. BAEZA: Objection. Form. Compound. 05:57:27

6 BY MS. CRAWFORD:

7 Q. Ms. Trujillo.

8 A. I can't give you details, but I know that  
9 it's a browser where you can sell your personal  
10 data. 05:57:47

11 Q. Is Killi a browser or a website?

12 MS. BAEZA: Objection. Form. Asked and  
13 answered.

14 THE WITNESS: I do believe it to be a  
15 browser. 05:58:05

16 BY MS. CRAWFORD:

17 Q. Okay. And do you know anything about how  
18 much Killi pays users for their private -- sorry,  
19 for their personal information?

20 A. I do not. 05:58:18

21 Q. Okay. Are you aware of how much other  
22 third parties may charge for access to users'  
23 personal information?

24 A. I do not.

25 Q. Does the company Nielson ring a bell to 05:58:57

1 A. Google should not be collecting any of my  
2 information when I'm in incognito mode.

3 Q. The term "irrespective" was used earlier  
4 today.

5 Do you remember that? 07:15:08

6 A. Yes.

7 Q. Do you know what the word "irrespective"  
8 means?

9 A. No. I don't.

10 Q. Earlier -- oh, sorry. Go ahead. 07:15:19

11 A. No, I don't.

12 Q. Earlier you were asked whether you  
13 provided cookie values from your browser during  
14 the course of this litigation.

15 Do you remember that? 07:15:33

16 A. Yes.

17 Q. And you testified that you weren't really  
18 sure what a cookie is.

19 Do you remember?

20 A. Correct, yes. 07:15:42

21 Q. Without going into the substance of  
22 privileged communications with your attorneys, do  
23 you recall back in November and December working  
24 with people to pull certain values from your  
25 computer? 07:15:55

1 A. Yes, I do recall.

2 Q. And those values were large strings of  
3 characters.

4 Do you remember?

5 A. Yes. 07:16:05

6 MS. CRAWFORD: Objection. Leading the  
7 witness. I mean, Rosy, you're -- you're leading  
8 the witness to give answers to the tar- -- very  
9 narrowly focused questions that you're asking right  
10 now. 07:16:17

11 I don't think that this is proper, and I'm  
12 creating a record that you're leading the witness  
13 in a way that I don't think is appropriate at this  
14 stage.

15 MS. BAEZA: Your speaking objection is 07:16:28  
16 noted.

17 MS. CRAWFORD: It is.

18 BY MS. BAEZA:

19 Q. Let me go back to -- to the last question,  
20 'cuz I lost my train of thought here, that long 07:16:39  
21 speaking objection.

22 MS. CRAWFORD: Rosy, let's be respectful,  
23 please.

24 MS. BAEZA: All right.

25 BY MS. BAEZA: 07:16:55

1 Q. If I represented to you that that large  
2 string of characters were cookie values, would  
3 your earlier answer change to yes, that you now  
4 recall providing cookie values from your browser  
5 during the course of this litigation?

07:17:07

6 A. Yes. My answer's yes.

7 Q. Do you remember being asked questions  
8 about the relationship between Apple and Safari?

9 A. Yes.

10 Q. Did you know that the Safari browser is a 07:17:23  
11 product of Apple before today?

12 A. No, I did not.

13 Q. Knowing this now, would you understand  
14 Safari to mean Apple?

15 MS. CRAWFORD: Objection. Leading again. 07:17:42  
16 The witness's testimony speaks for itself.

17 BY MS. BAEZA:

18 Q. You can answer.

19 A. Yes.

20 Q. Does Apple's collection of your personal 07:17:52  
21 data have anything to do with this lawsuit?

22 A. No.

23 Q. Do you remember earlier when you were  
24 asked questions about the incognito splash screen?

25 A. Yes.

07:18:10

1 Q. Okay. If you can please go to that  
2 document. It's Exhibit 4.

3 Let me know when you have that open.

4 A. Okay.

5 I have it open. 07:18:36

6 Q. And do you remember being asked questions  
7 about whether the incognito splash screen  
8 discloses that your information is not shared?

9 A. Yes, I remember being asked.

10 Q. Do you see where it says "Your activity 07:18:50  
11 might still be visible to"?

12 A. Yes.

13 Q. And below that, it lists three entities  
14 your activity might still be visible to.

15 Do you see that? 07:19:09

16 A. Yes.

17 Q. What does that communicate to you?

18 MS. CRAWFORD: Objection.

19 THE WITNESS: It communicates to me that  
20 my activity may be visible to websites I visited, 07:19:35  
21 my employer, school, internet service de- --  
22 provider. But it does not say it might still be  
23 visible to Google.

24 BY MS. BAEZA:

25 Q. Okay. You can close that exhibit out. 07:20:02